

[REPUBLIC ACT NO. 10593, May 29, 2013]

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8048, ENTITLED "AN ACT PROVIDING FOR THE REGULATION OF THE CUTTING OF COCONUT TREES, ITS REPLENISHMENT, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4 of Republic Act. No. 8048, also known as the "Coconut Preservation Act of 1995", is hereby amended to read as follows:

"SEC. 4. *Prohibition.* – No coconut tree shall be cut except in the following cases and only after a permit had been issued therefor:

"(a) When the tree is sixty (60) years old in the case of tall varieties, and at least forty (40) years old for dwarf varieties;

"(b) When the tree is no longer economically productive;

"(c) When the tree is severely disease-infested and beyond rehabilitation;

"(d) When the tree is severely damaged by typhoon or lightning;

"(e) When the agricultural land devoted to coconut production shall have been converted in accordance with law into residential, commercial or industrial areas;

"(f) When the land devoted to coconut production shall be converted into other agricultural uses or other agriculture-related activities in pursuance to a conversion duly applied for by the owner and approved by the proper authorities: *Provided*, That no conversion shall be allowed by the PCA until after it shall have been verified and certified that for a period of at least three (3) years the majority of the coconut trees have become senescent and economically unproductive or where the coconut farm is not adaptable to sound management practices on account of geographical location, topography, drainage and other conditions rendering the farm economically unproductive; and

"(g) When the tree would cause hazard to life and property.

"No other causes other than those abovementioned shall be considered as a valid ground for cutting."

SEC. 2. Section 5 of Republic Act No. 8048 is hereby amended to read as follows:

"SEC. 5. *Permit to Cut.* – No coconut tree or trees shall be cut unless a permit therefore, upon due application being made, has been issued by the PCA pursuant to Section 6 of this Act.

"The applicant shall pay an application fee in the amount of One hundred pesos (P100.00) for every tree intended to be cut payable to the PCA. Forty pesos (P40.00) of the fee shall accrue in favor of the PCA, Forty pesos (P40.00) in favor of the municipal government concerned, and Twenty pesos (P20.00) in favor of the barangay unit concerned. The fees allocated to the PCA shall be used for its replanting program and the fees allocated to the municipal/city government shall be used for the repair and rehabilitation of roads of the respective local government units which have been damaged by the continuous passage of heavy vehicles used for transporting coconut lumber.

"Fees herein collected shall be deposited with the nearest Land Bank of the Philippines branch or other government depository banks. Fees accruing to the local government unit shall be remitted within three (3) months in accordance with existing Commission on Audit (COA) rules and regulations.

"No permit to cut shall be granted unless the applicant has secured from the barangay captain of the locality where the cutting will be done, a certification under oath that he/she has already planted the equivalent number of coconut trees applied for to be cut.

"Such replanting, however, shall not apply to areas converted into industrial, commercial or residential sites or land transformed in accordance with law, into other agricultural purposes.

"The PCA, in coordination with the local government unit concerned, shall verify if a replanting was implemented and regulate and oversee the fertilization and care of the newly planted coconut trees. For this purpose, it shall be incumbent upon the PCA to conduct, from time to time, on-the-spot inspections of the sites where the coconut trees have been planted."

SEC. 3. A new Section 7 is hereby inserted after Section 6 of this Act, to read as follows:

"SEC. 7. *Police Powers.* – The PCA shall be vested with the authority to exercise duly delegated police powers for the proper performance of its functions and duties, to wit:

"(a) Investigate suspected violations of this Act;

"(b) Arrest and apprehend any person actually committing or attempting to commit an offense under this Act;

"(c) Arrest and apprehend possessor of coconut lumber without the necessary permit as required under this Act;

"(d) Search and seize a moving vehicle with illegally cut, gathered, collected or removed coconut lumber: *Provided*, That probable cause for the search is established;

"(e) Stop the transport and/or shipment of coconut lumber without authority or without legal documents in accordance with pertinent laws, regulations or policies on the matter;

"(f) Confiscate and forfeit in favor of the government the illegally cut, gathered, collected, removed, possessed or abandoned coconut lumber, as well as the